

The § 103 (a) Rejection of Claim 29

The Examiner rejected Claim 29 under 35 U.S.C. § 103 (a) as unpatentable over United States Patent No. 3,530,513 to Maurer (the Maurer patent). Applicants have cancelled Claim 29, thereby rendering the rejection of Claim 29 moot.

The § 103 (a) Rejections of Claims 1-4

The Examiner rejected Claims 1-4 under 35 U.S.C. § 103 (a) as unpatentable over United States Patent No. 3,530,513 to Maurer (the Maurer patent). The Examiner states, in part, that the Maurer patent discloses a means for moving the sink horizontally and maintaining a constant distance between the sink fixture and the wall. Applicants respectfully traverse this rejection and request reconsideration.

In order to establish a *prima facie* case of obviousness, the prior art reference must teach or suggest all the claim limitations. Applicants courteously submit that the Maurer patent fails to teach or suggest all the limitations of independent Claim 1. Specifically, Applicants respectfully note that the Maurer patent fails to teach the limitation claiming a means for moving the sink fixture horizontally with respect to a wall, such that the horizontal moving means is operatively arranged to maintain a constant distance between the sink fixture and the wall.

Applicants respectfully point out that Figures 1 and 2 of the instant application demonstrate how horizontal rails 20 and 24 support sink fixture 40 in such a manner as to maintain sink fixture 40 at a constant distance from a wall. In contrast, Applicants respectfully note that Figures 2 and 3 of the Maurer patent depict yoke member 24 attached to bracket arm 33. Pivot 34 is attached to bracket arm 33 and enables the pivoting attachment of bowl arm 36 to bracket arm 33. Bowl 4 is attached to bowl arm 36 and, as pointed out by the Examiner, is analogous to the sink fixture claimed in Claim 1 of the instant application. Pivot 34 allows bowl arm 36 and attached bowl 4 to swing in an arc-shaped path in a horizontal plane. Therefore, it can be seen that the Maurer patent does not maintain bowl 4 at a constant distance from a wall as each point of a half horizontal arc that can be traveled by bowl 4 will be a different distance from the horizontal wall than any other point in the same half horizontal arc.

This arrangement is further described in the specification of the Maurer patent. In column 4, lines 31-33 which describes how the dentist may "swing the arm over to the other side of the chair and position the bowl on the right-hand side of the dentist's chair." It would be impossible to move the bowl from the left side to the right side of a dentist's chair without changing the horizontal distance of the bowl from the wall.

Therefore, it can be seen from the discussion above that the Maurer patent fails as a reference under § 103 (a) in that it fails to teach or suggest all the claim limitations of independent Claim 1, namely the maintenance of a constant distance between the sink fixture and the wall. Applicants respectfully request reconsideration.

Claims 2-4 depend from independent Claim 1 and therefore incorporate all the limitations of that claim. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. Therefore, Applicants submit that the Maurer patent fails to render Claims 2-4 obvious under § 103 (a) and respectfully request reconsideration.

Conclusion

In view of the foregoing discussion, it is respectfully submitted that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,



C. Richard Lohrman
Registration No. 46,878
ATTORNEY FOR APPLICANT
Simpson & Simpson PLLC
5555 Main Street
Williamsville, NY 14221
Phone: (716) 626-1564
Fax: (716) 626-0366

Dated: September 2, 2003